

SECOND REGULAR SESSION

HOUSE BILL NO. 1921

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COLLINS.

4315H.01I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 217, RSMo, by adding thereto one new section relating to the clemency advisory board, with a contingent effective date.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 217, RSMo, is amended by adding thereto one new section, to be
2 known as section 217.801, to read as follows:

217.801. 1. There is hereby established the "Clemency Advisory Board".

2 **2. (1) The board shall be composed of the following members:**

3 **(a) The director of the department of corrections or his or her designee;**

4 **(b) The director of the department of public safety or his or her designee;**

5 **(c) The director of the department of social services or his or her designee;**

6 **(d) A person from the department of economic development's division of**
7 **workforce development;**

8 **(e) A person with experience in mental health;**

9 **(f) A person with experience in law enforcement;**

10 **(g) A person who has experience with crime victims;**

11 **(h) A person who has been a criminal defendant or has experience with criminal**
12 **defendants; and**

13 **(i) A person affiliated with a college, university, community college, or a**
14 **vocational or technical school who has experience in reentry programs.**

15 **(2) Members of the board under paragraphs (d) to (i) of subdivision (1) of this**
16 **subsection shall be appointed by the governor.**

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **3. (1) The board shall have authority to review an application for pardon or**
18 **commutation of sentence and to grant a pardon or commute a sentence for a person**
19 **convicted of any offense committed in this state, including commuting a death sentence;**
20 **however, the board shall not have the authority to grant a pardon or commute a**
21 **sentence for any conviction involving impeachment or the offense of treason.**

22 **(2) (a) The board shall have the authority to issue a provisional pardon to**
23 **relieve an eligible offender of barriers by reason of the offender's conviction of an**
24 **offense or offenses specified in the provisional pardon.**

25 **(b) The board may issue a provisional pardon any time after sentencing to an**
26 **eligible offender who applies for a provisional pardon.**

27 **(c) The board shall not issue a provisional pardon unless the board is satisfied**
28 **that:**

29 **a. The person to whom the provisional pardon is to be issued is an eligible**
30 **offender;**

31 **b. The relief to be granted by the provisional pardon may promote the public**
32 **policy of rehabilitation of ex-offenders through employment; and**

33 **c. The relief to be granted by the provisional pardon is consistent with the public**
34 **interest in public safety, the safety of any victim of the offense, and the protection of**
35 **property.**

36 **(d) No employer shall deny employment to a prospective employee or discharge**
37 **or discriminate against an employee solely on the basis of a conviction that occurred**
38 **before his or her employment for which the person received a provisional pardon.**

39 **(e) As used in this subdivision:**

40 **a. "Barrier" means a denial of employment or a license based on an eligible**
41 **offender's conviction of an offense without due consideration of whether the nature of**
42 **the offense bears a direct relationship to such employment or license;**

43 **b. "Eligible offender" means a person who has been convicted of an offense or**
44 **offenses in this state, is a resident of this state, and is applying for a provisional pardon.**

45 **4. The board shall elect a chair and vice chair at its first meeting, which shall be**
46 **convened by the director of the department of corrections not later than October 1,**
47 **2022.**

48 **5. The board shall meet at least once every two months and may meet more**
49 **frequently as the chair deems appropriate.**

50 **6. The board shall establish internal policies and procedures the board deems**
51 **appropriate for conducting meetings.**

52 **7. All board proceedings and records, including applications for pardons or**
53 **commutation of sentences and related materials, shall be confidential.**

54 **8. The board may consider any factors when reviewing applications under this**
55 **section including, but not limited to, the following:**

- 56 **(1) Exemplary rehabilitation or institutional behavior;**
57 **(2) Meritorious educational or vocational achievement;**
58 **(3) Successful reintegration into society;**
59 **(4) Severe or terminal medical, mental, or physical condition;**
60 **(5) Acts of heroism that prevent risk or injury to others, or other exceptional or**
61 **extraordinary acts of citizenship;**
62 **(6) Victim impact;**
63 **(7) Sentencing disparities or inequities within the Missouri criminal justice**
64 **system;**
65 **(8) Criminal history involving offenses that are no longer criminalized in**
66 **Missouri;**
67 **(9) Impact on restoration of civil rights, including voting, jury service, holding**
68 **public office, and reinstatement of firearms privileges;**
69 **(10) Impact on licensing, certification, and other employment opportunities; and**
70 **(11) Impact on housing and travel opportunities.**

71 **9. Members shall serve on the board without compensation but may be**
72 **reimbursed for actual and necessary expenses incurred in the performance of their**
73 **official duties as members of the board.**

74 **10. Vacancies shall be filled in the same manner in which the member was**
75 **selected or appointed. All vacancies shall be filled within thirty days from the date**
76 **thereof.**

77 **11. On or before December 31, 2022, and each December thirty-first thereafter,**
78 **the board shall submit to the general assembly a report of its activities, including any**
79 **pardons granted or sentences commuted.**

 Section B. Section A of this act shall become effective only upon the passage and
2 approval by the voters of a constitutional amendment submitted to them by the general
3 assembly providing that the power to grant reprieves, commutations, and pardons is not
4 exclusive to the governor. If such constitutional amendment is approved by the voters, this
5 act shall become effective January 1, 2023.

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